

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT APPLICATION DECLARATION AND POWER OF ATTORNEY  
(Page 1 of 3)

EACH OF THE APPLICANTS SIGNING BELOW HEREBY DECLARES THAT:

My residence, post office address, and citizenship are as stated next to my name in PART A on page 2 hereof.

I believe that I am an original, first, and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled MANIPULATION OF LIVE CELLS AND INORGANIC OBJECTS WITH OPTICAL MICRO BEAM ARRAYS, the specification of which is attached hereto.

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of the United States Provisional patent application(s) listed below:

Provisional Patent Application Serial No. 60/222,463 filed on July 26, 2000, for VCSEL, and VCSEL Arrays, for Optical Tweezing of Organic and Inorganic Objects to the selfsame inventors as the present utility patent application.

I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent(s) issued thereon.

See pages 2 and 3 to which this page is attached and of which this page is a part.

[illegible]

PATENT APPLICATION DECLARATION AND POWER OF ATTORNEY  
(Page 2 of 3)

I hereby appoint as my attorney with full power of substitution to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith:

William C. Fuess      Registration Number 30,054

whose mailing address for this application is:

William C. Fuess  
FUESS & DAVIDENAS  
Attorneys at Law  
10951 Sorrento Valley Road, Suite II-G  
San Diego, California 92121-1613  
Attention: William C. Fuess

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See pages 1 and 3 to which this page is attached and of which this page is a part.

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PATENT APPLICATION DECLARATION AND POWER OF ATTORNEY  
(Page 3 of 3)

PART A: Inventors' Information and Signatures

Full Name of First Inventor: Mihrimah Ozkan  
Citizenship: \_\_\_\_\_  
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University of California at San Diego  
9500 Gilman Drive  
La Jolla, CA 92093-0407

Residence (if different): \_\_\_\_\_

Inventor's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Full Name of Second Inventor: Sadik Esener  
Citizenship: U.S.A.  
Post Office Address: c/o Department ECE  
University of California at San Diego  
9500 Gilman Drive  
La Jolla, CA 92093-0407

Residence (if different): \_\_\_\_\_

Inventor's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Full Name of Third Inventor: Mark Wang  
Citizenship: U.S.A.  
Post Office Address: c/o Genoptix, Inc.

Residence (if different): \_\_\_\_\_

Inventor's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

See pages 1 and 2 to which this page is attached.

Inventors: Ozkan, et al. Docket No. UCSD 2001-014P  
Serial or Patent No.: TBD U.C. Case No. UCSD 2001-014  
Filed: July 26, 2001  
For: MANIPULATION OF LIVE CELLS AND INORGANIC OBJECTS WITH OPTICAL MICRO BEAM ARRAYS

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
[37 CFR §1.9(f) and §1.27(d)] -- NONPROFIT ORGANIZATION  
[Page 1 of 2]

I hereby declare that I am empowered to act on behalf of the nonprofit organization identified below in the matter of this utility patent application

NAME OF ORGANIZATION: The Regents of the University of California  
ADDRESS OF ORGANIZATION: 300 Lakeside Drive, 22nd Floor  
Oakland, California 94612-3550

TYPE OF ORGANIZATION:  
☒ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION  
☒ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE [26 U.S.C. §501(a) and §501(c)(3)]

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR §1.9(e) for purposes of paying reduced fees under section 41(a) or (b) of Title 35, United States Code with regard to the invention entitled **MANIPULATION OF LIVE CELLS AND INORGANIC OBJECTS WITH OPTICAL MICRO BEAM ARRAYS** by inventors Mihrimah Ozkan, et al. described in:

☒ the utility patent application filed herewith  
☐ application serial no. \_\_\_\_\_, filed \_\_\_\_\_  
☐ Patent no. \_\_\_\_\_, issued \_\_\_\_\_

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern, or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR §1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR §1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR §1.27).

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this utility patent application or any application or any patent descended therefrom, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of, in the case of a subsequent patent application and/or patent, the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate [37 CFR §1.28(b)]

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
[37 CFR §1.9(f) and §1.27(d)] -- NONPROFIT ORGANIZATION  
[Page 1 of 2]

I hereby declare that all statements made of my own knowledge are true and that all statements made on information ad belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine of imprisonment, or both, under 18 U.S.C. §1001, and may jeopardize the validity of the application, any patent issuing thereon, or any patent which this verified statement is directed.

NAME OF PERSON SIGNING: William C. Fuess  
RELATIONSHIP TO ORGANIZATION: Patent Attorney representative for the Utility  
Patent Application  
ADDRESS OF PERSON SIGNING: FUESS & DAVIDENAS  
10951 Sorrento Valley Road II-G  
San Diego, California 92121-1613

SIGNATURE: William C. Fuess DATE July 26, 2001

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